



Paper No. 8

DOUGLAS G GLANTZ  
ATTORNEY AT LAW  
5260 DEBORAH COURT  
DOYLESTOWN PA 18901

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JUL 05 2002

OFFICE OF PETITIONS

In re Application of  
Tanzer, et al.  
Application No. 10/010,869  
Filed: December 7, 2001  
Attorney Docket No. 12870.1  
For: ABSORBENT STRUCTURE AND  
METHOD

:  
:  
: DECISION GRANTING  
: PETITION  
:  
:

This is a decision on the petition, filed May 17, 2002 (certificate of mailing date May 7, 2002), requesting, in effect, partial withdrawal of the Notices to File Missing Parts of Nonprovisional Application (Notice), mailed January 22, 2002 and May 1, 2002. The petition will be treated under 37 CFR 1.53(e).

The application was filed on December 7, 2001. On January 22, 2002 and on May 1, 2002, the Office of Initial Patent Examination mailed Notices informing petitioners that page 2 of the specification appeared to have been omitted.

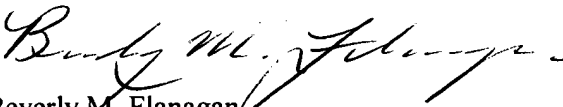
In response to the Notice, petitioners filed the present petition on May 17, 2002 (certificate of mailing date May 7, 2002). Petitioners request that page 2 be accorded a filing date of December 7, 2001 on the basis that the entire specification, including allegedly missing page 2, was received in the Patent and Trademark Office (PTO) on December 7, 2001. In support, the petition is accompanied by a copy of applicants' itemized postcard receipt showing an Office of Initial Patent Examination generated barcode citing December 7, 2001 as the date of receipt. The postcard lists, *inter alia*, that the filing included 71 pages of specification, claims and abstract. A review of the application file reveals that there are 70 pages present. Page 2 is missing.

The return postcard constitutes *prima facie* evidence that the entire specification, including missing page 2, was filed on December 7, 2001. MPEP 503. Accordingly, the request is granted.

The \$130.00 petition fee will be credited to petitioners' deposit account, no. 07-1380.

The application is being returned to Office of Initial Patent Examination for further processing, with a filing date of December 7, 2001, using the copy of page 2 supplied with the instant petition.

Any inquiries pertaining to this matter may be directed to Petitions Attorney E. Shirene Willis at (703) 308-6712.

  
Beverly M. Flanagan  
Supervisory Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

**UNITED STATES PATENT & TRADEMARK OFFICE**  
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND											
1 Date of Request: <u>6/28/02</u>		2 Serial/Patent # <u>10/010,869</u>									
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT							
	Filing			\$							
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X	Petition	6	5/17/02	\$ 130.00							
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		8 TO BE REFUNDED BY:									
10 REASON:		Treasury Check									
	Overpayment	Credit Deposit A/C #:									
	Duplicate Payment	9 <table border="1" style="display: inline-table; text-align: center; width: 150px;"><tr><td>0</td><td>7</td><td>--</td><td>1</td><td>3</td><td>8</td><td>0</td></tr></table>			0	7	--	1	3	8	0
0	7	--	1	3	8	0					
X	No Fee Due (Explanation):										
Page present upon initial filing. Office mistake											
11 REFUND REQUESTED BY:											
TYPED/PRINTED NAME: <u>E. Shirene Willis</u>		TITLE: <u>Petitions Attorney</u>									
SIGNATURE: <u>E. Shirene Willis</u>		PHONE: <u>308-6712</u>									
OFFICE: <u>Office of Petitions</u>											
***** THIS SPACE RESERVED FOR FINANCE USE ONLY: *****											
APPROVED: <u><i>Chuan Kelly</i></u>		DATE: <u>7/5/02</u>									

Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to:

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